

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services -Andhra Pradesh State Judicial Service – Senior Civil Judges - Sri K.Basava Raju, formerly Senior Civil Judge, Visakhapatnam now under suspension – Imposition of penalty of dismissal from service upon the officer on the recommendation of High Court of Andhra Pradesh – Orders – Issued.

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LAW (LA&J-HOME-COURTS-C) DEPARTMENT

G.O.Ms.No. 137

Dated:20-12-2012,
Read the following:-

1. G.O.Ms.No.41, Law (LA&J –Home Courts.C1) Department, dated.22-03-2003.
2. G.O.Ms.No.158, Home (Courts.C1) Department, dt.03-10-2008.
3. From Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad, D.O.letter No.513/1996-Vigilance Cell, dt.05-09-2012.

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ORDER:

Whereas, the Registrar (Vigilance), High Court of Andhra Pradesh in his letter 3rd read above, has stated that the High Court on considering the judgment, dated.23-08-2002 in SC.No.228/2001 convicting Sri K.Basava Raju, formerly Senior Civil Judge, Narsapur, West Godavari District, sent a recommendation to the Government for his dismissal. The Government have issued orders vide G.O.Ms.No.41, (LA&J –Home Courts.C1) Department, dt.22-03-2003 dismissing the officer from service. Aggrieved with the conviction orders passed in SC.No.228/2001, the officer had filed Crl.A.No.979/2002 before the High Court. The High Court has allowed the said Criminal Appeal on 14-03-2008, acquitting the officer.

2. And whereas, the High Court, having considered the observations made by the High Court in Crl.A.No.979/2002, Home (Courts.C1) Department, dt.14-03-2008 against Sri K.Basava Raju, formerly Principal Senior Civil Judge, Visakhapatnam, decided to reinstate the officer into service, without prejudice to the right to take appropriate departmental action against the officer. The Government in turn issued orders vide G.O.Ms.No.158, Home (Courts.C1) Department, dt.03-10-2008 reinstating the officer in to service. The High Court on a further consideration of the matter, ordered for deemed suspension from the date of his dismissal from service and continued him under suspension besides initiating disciplinary proceedings against the officer. Consequently, six articles of charge were framed and communicated to the officer, calling for his written statement and the officer submitted his written statement, in the matter, on 25-4-2009;

3. And whereas, the High Court, having further considered the written statement of the officer, ordered a regular departmental enquiry against the officer, by entrusting the enquiry to the District Judge (Enquiries), High Court of Andhra Pradesh, Hyderabad, to conduct the enquiry into the charges framed against the officer. The District Judge (Enquiries) on appreciation of evidence adduced during the course of enquiry held that the charge Nos.1, 3 to 6 framed against the charged Officer stood proved and charge No.2 stood as not proved;

4. And whereas, the High Court of Andhra Pradesh has requested the Government to cause issuance of necessary order, in the matter, at the earliest, in accordance with the recommendation of the High Court referred to supra incorporating therein, the reasons for imposing the penalty of dismissal from service. The Articles of charge are as follows:-

P.t.o.,

Articles of Charge:

Charge No.1:

That you Sri K.Basava Raju, formerly Subordinate Judge, Narsapur, West Godavari District, now reinstated into service by virtue of G.O.Ms.No.158, Home (Courts.C) Department, dt.03-10-2008 and waiting for order of your posting as Senior Civil Judge, while working as Subordinate Judge, Narsapur, stated to have behaved in an indecent manner with Ms. Nagamma, a newly recruited stenographer posted to work under you, by touching her hands, breasts, checks and used to kiss her, while she was attending to the dictation work in between 8.30 A.M and 10.00 A.M., in the chamber attached to the court of Sub Judge, Narsapur, and when the said stenographer scared off you and used to run away from the chamber, as she was new to employment, you used to accost her to return to the chamber and used to express angry and threaten her for running away from you. Thus you misbehaved with a Subordinate employee, who was working under you, which act of yours if proved or established would amount to grave misconduct, unbecoming of a judicial officer within the meaning of rule-3 (c) (e) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

Charge No.2:

That you Sri K.Basava Raju, formerly Subordinate Judge, Narsapur, West Godavari District, now reinstated into service by virtue of G.O.Ms.No.158, Home (Courts.C) Department, dt.03-10-2008 and waiting for order of your posting as Senior Civil Judge, while working as Subordinate Judge, Narsapur, applied for commuted Medical leave for thirty (30) days from 27-09-1994 to 26-10-1994 and after few days of your joining to duty, you started giving dictation to Ms.Nagamma between 8.30 A.M to 10.00 A.M and all of a sudden you stopped dictation and caught hold of her hand, dragged her towards the toilet of your chamber, inspite of her resistance, laid her on the floor of the toilet and forcibly had sexual intercourse against her will, thus you exceeded your limits as a Judicial Officer, acted in a manner which is derogatory to the prestige of Judiciary, which act of yours, if proved or established would amount to grave misconduct, unbecoming of a Judicial officer within the meaning of rule 3 (c) (a) of Andhra Pradesh Civil Service (Conduct) Rules,1964.

Charge No. 3:

That you Sri K.Basava Raju, formerly Subordinate Judge, Narsapur, West Godavari District, now reinstated into service by virtue of G.O.Ms.No.158, Home (Courts.C) Department, dt.03-10-2008 and waiting for order of your posting as Senior Civil Judge, while working as Subordinate Judge, Narsapur, had sexual intercourse with Ms.Nagamma, newly recruited Stenographer and posted to work in your court, against her will in the toilet of the chamber of Sub Court, Narsapur and later threatened her, that if she raises any cries, you would propagate that she has taken you to the toilet and she herself offered you to have sexual intercourse with her, thus you blackmailed your subordinate staff i.e., Ms.Nagamma, Stenographer of Sub Court, Narsapur, which act of yours, if proved or established would amount to grave misconduct, unbecoming of a judicial officer within the meaning of rule 3 and 3 (c) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

Charge No.4:

That you Sri K.Basava Raju, formerly Subordinate Judge, Narsapur, West Godavari District, now reinstated into service by virtue of G.O.Ms.No.158, Home (Courts.C) Department, dt.03-10-2008 and waiting for order of your posting as Senior Civil Judge, while working as Subordinate Judge, Narsapur, continued the illicit relationship / intimacy with Ms.Nagamma, Stenographer of the Court, while you were working as Sub Judge, Narsapur and also after your transfer as Principal Senior Civil Judge, Visakhapatnam, by visiting Narsapur and Bhimavaram, frequently and has sexual intercourse with her and developed illicit intimacy with her, luring her, her mother and brother, that you will marry her, after your promotion as Additional District Judge and subsequently you informed about your unwillingness to marry her, inspite of the illicit relationship/ intimacy continued with her for a long time, deceived her, which acts of yours, if proved or established would amount to grave misconduct, unbecoming of a Judicial Officer within the meaning of rule 3 & 3 (c) (a) of Andhra Pradesh Civil Service (Conduct) Rules,1964.

Charge No.5:

That you Sri K.Basava Raju, formerly Subordinate Judge, Narsapur, West Godavari District, now reinstated into service by virtue of G.O.Ms.No.158, Home (Courts.C) Department, dt.03-10-2008 and waiting for order of your posting as Senior Civil Judge, while working as Subordinate Judge, Narsapur, continued your illicit intimacy / relationship with Ms.Nagamma,, Stenographer of Sub Court, Narsapur, inspite of your transfer to Visakhapatnam and used to make correspondence with the said stenographer, Ms.Nagamma, by writing letters to her dated.20-06-1995, 26-07-1995, 19-08-1995, 22-08-1995, 11-09-1995, 07-10-1995, 23-11-1995, 14-12-1995, 27-12-1995, 11-05-1995 and 23-02-1996 and tried to be in touch with her through your correspondence. Thus you exceeded your limits and continued the illicit relationship with your subordinate staff, which a judicial officer ought not have developed or continued, which act of yours, if proved or established would amount to grave misconduct, unbecoming of a Judicial Officer within the meaning of rule 3 of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

Charge No.6:

That you Sri K.Basava Raju, formerly Subordinate Judge, Narsapur, West Godavari District, now reinstated into service by virtue of G.O.Ms.No.158, Home (Courts.C) Department, dt.03-10-2008 and waiting for order of your posting as Senior Civil Judge, while working as Subordinate Judge, Narsapur, initially has sexual intercourse with Ms.Nagamma, Stenographer of the Court, thereafter got yielded her to your lust and had intercourse with her several times at Narsapur and also in the RTC Guest House and private lodge at Rajahmundry and subsequently deceived and discarded her, when she approached you at your official residence in the District Court premises at Visakhapatnam on 22-04-1996, moving the marriage proposal with you, but you and your wife scolded and necked out Ms.Nagamma, in the presence of Sri L.Kedarachary, the then I Senior Civil Judge, Visakhapatnam, due to which stenographer, Ms.Nagamma, made an attempt to commit

suicide by swallowing 20 sleeping pills in front of your official residence in District Court premises, Visakhapatnam, preparing a suicide note, addressed to the Hon'ble Chief Justice, High Court of Andhra Pradesh, Hyderabad, and hospitalized. Thus, you deceived her luring her that you will marry but subsequently discarded her, which act of your, if proved or established would amount to grave misconduct, unbecoming of a judicial officer within the meaning of rule 3 & 3 (c) of Andhra Pradesh Civil Service (Conduct) Rules, 1964.

5. And whereas, keeping in view of the gravity of the charges 1, 3 to 6 held proved against the charged officer in the enquiry report, the High Court of Andhra Pradesh resolved to recommend to His Excellency the Governor of Andhra Pradesh to impose a major penalty of "**Dismissal from service**" against Sri K.Basava Raju, formerly Senior Civil Judge, Visakhapatnam now under suspension and accordingly the Registrar (Vigilance), High Court of Andhra Pradesh, requested the Government to cause issuance of necessary orders in the matter;

6. Now therefore, the Government after careful examination of the material and considering the recommendation of the High Court of Andhra Pradesh and in exercise of the powers conferred under rule 9 read with sub-rule (1) of rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules 1991, hereby decided to impose the penalty of "**Dismissal from Service**" on **Sri K.Basava Raju**, formerly Senior Civil Judge, Visakhapatnam (now under suspension) with immediate effect.

7. Accordingly, the following notification will be published in an Extraordinary Issue of Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred under clause (x) of rule 9 read with sub-rule (1) of rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the Governor of Andhra Pradesh on the recommendation of the High Court of Andhra Pradesh hereby impose the penalty of "**Dismissal from Service**" on Sri K.Basava Raju, formerly Senior Civil Judge, Visakhapatnam (now under suspension) with immediate effect.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

R.DAMODAR,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE(FAC).

To
The Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad.
The Individual through the Registrar (Vigilance), Andhra Pradesh
High Court, Hyderabad.
The Commissioner Printing, Stationery and Stores Purchases
(Publication wing) 2 copies for publication in the A.P.Gazette.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
The Accountant General of Andhra Pradesh , Hyderabad.
The Director of Treasuries and Accounts, Hyderabad.

Copy to:

The P.S. to Principal Secretary to Chief Minister.
The P.S. to Minister (Law & Courts).
The P.S. to Secretary (LA&J) Department.
The Law (E) Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.